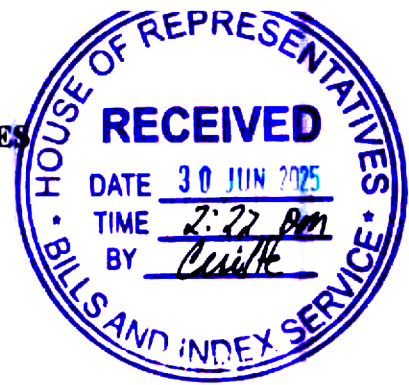


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 558



Introduced by Representative **MARLYN L. PRIMICIAS-AGABAS**

EXPLANATORY NOTE

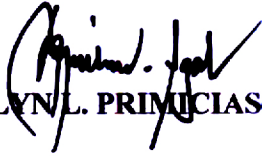
This bill seeks to provide for the summary titling of real properties used as sites for public schools in our educational system.

The State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all (Section 1, Article XIV of the 1987 Constitution).

One of the major problems that beset access to quality education is the lack of buildable sites for our school buildings. A good number of school sites are unregistered and are subject to litigation, frequent transfer of locations, and revocation of land donation by the owners and their surviving heirs. Many school sites are also being used without legal documentation of transfer of ownership to the Department of Education (DepEd). For as long as the school sites remain unregistered in the name of the DepEd, the cloud of uncertainty will remain unresolved. When the question of ownership is litigated, no buildable sites for school buildings will be recognized by the DepEd, hence, no improvement of school facilities can be made.

Accordingly, there is a need to institutionalize the summary titling of lands to ascertain DepEd's ownership of school real properties and to secure future public school's development all over the country.

Hence, this earnest request for the immediate passage of this bill.


MARLYN L. PRIMICIAS-AGABAS

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HOUSE BILL NO. 558

Introduced by Representative **MARLYN L. PRIMICIAS-AGABAS**

**AN ACT PROVIDING FOR THE SUMMARY TITLING OF REAL
PROPERTIES USED AS SITES FOR PUBLIC SCHOOLS
NATIONWIDE, AND FOR OTHER PUPOSES**

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

1 **SECTION 1. *Purpose of this Act.*** - It is hereby declared the policy
2 of the State to provide all lands being utilized as public school sites
3 ("school sites") by the Department of Education (Department) with titles
4 under the "Republic of the Philippines represented by the Department
5 of Education" to enable it to have legal ownership over these school
6 sites. Towards this end, however, the State shall ensure the prompt
7 payment of just compensation for the acquisition of real property
8 utilized as school sites and not be taken for public use without just
9 compensation.

10 **SECTION 2. *Qualified School Sites.*** - This Act shall cover all sites
11 of public schools under the Department which have been utilized as
12 such for at least five (5) years preceding the effectivity of this Act,
13 which are composed of the following:
14 a) Lands of the Public Domain; and
15 b) Those that are owned, whether registered or otherwise, by persons or
16 entities other than the Department.

17 **SECTION 3. *Prima facie Ownership by the Department of Unregistered***
18 ***Land.*** - The Department shall be prima facie owner of all
19 unregistered qualified school sites.

20 **SECTION 4. *SUMMARY Titling of Qualified School Sites on***
21 ***Unregistered Lots.*** - All actions for the original registration of qualified
22 school sites under this Act shall be filed with the Regional Trial Court where
23 the property is situated, and shall be summary in nature. The Department
24 need only to establish that the school site is untitled and that it has been
25 used as such for at least five (5) years, Provided, the notice requirements
26 provided for in Section 23, Presidential Decree (P.O.) No. 1529 must be
27 observed.

SECTION 5. *Transfer of Qualified School Sites Owned by the National Government.* -All Qualified School Sites established on registered property owned by the National Government and the agencies and instrumentalities thereof shall be immediately transferred to and titled in favor the Department.

SECTION 6. *Modes of Acquiring Qualified School Sites on Privately-Owned Lots and Lots Owned by Local Government Units.*
-The Department of Education may acquire Qualified School Sites on Privately- Owned Lots and Lots Owned by Local Governmentn Units through donation, negotiated sale, expropriation or any modes of acquisition as provided by law.

SECTION 7. *Unaccepted Donations.* -All unaccepted donation of Property presently used as school sites shall be deemed perfected by implied acceptance from the time when the property was actually utilized as a public school site.

SECTION 8. *Guidelines for Negotiated Sale.* - Should the implementing agency and the owner of the property agree on a negotiated sale for the acquisition of the right-of-way, site or location or any national government infrastructure project, the standards prescribed under Section 10 of Republic Act (R.A.) No. 8974 hereof shall be used to determine the fair market value of the property, subject to review and approval by the head of the agency or department concerned.

SECTION 9. *Summary Expropriation of Qualified School Sites.*- Qualified School Sites on Privately-Owned Lots and Lots Owned by Local Government Units may be acquired by the Department through expropriation subject to the guidelines provided under Section 4 of R.A.No. 8974. Provided, that the right of the Department to expropriate qualified schools sites, and that the taking is for public use and public purpose shall be presumed prima facie. Unless said presumption is overturned by a showing that the school site is not qualified under Section 2 hereof, the expropriation proceedings shall be limited to the determination of just compensation.

In the event that the owner of the property contests the Departments proffered value, the court shall determine the just compensation to be paid the owner within sixty (60) days from the date of filing of the expropriation case. When the decision of the court becomes final and executory, the Department shall pay the owner the difference between the amount already paid and just compensation.

SECTION 10. *Order of Registration Immediately Executory.* - All judgments ordering the registration of a qualified school site shall be final and executory, and not subject to appeal except in a Petition for Certiorari under Rule 65 to the Supreme Court. The Register of Deeds, upon receipt of such order, shall forthwith issue the corresponding certificate of title in favor of the Department as determined by the court.

SECTION 11. *School Sites under Contract of Usufruct.* - In order to protect the rights and interests of the Department in its use and enjoyment of a school site under a Contract of Usufruct, the same shall be annotated in the Certificate of Title of such real property. All reasonable efforts should be exerted for the subsequent donation of these properties in favor of the Department. Provided, that when a school site under usufruct becomes a qualified school site, the same may be acquired by expropriation as provided herein.

SECTION 12. *Titling and Registration of School Sites based on Tax Declarations registered to the Department.* - Real properties with Tax Declarations registered in the name of the Department which are being used as school sites shall be processed through the Department of Environment and Natural Resources (DENR) for titling through the issuance of Special Patents and Presidential Proclamations.

SECTION 13. *Expeditious Registration of Land Titles for School Sites.* -The Registry of Deeds, Bureau of Internal Revenue and Local Government Units concerned shall forthwith process the registration and titling of the properties as provided herein in favor of the Department in the most efficient and expeditious manner.

SECTION 14. *Exemption from Payment of Fees and Taxes for the Registration of Land Titles for School Sites-* The Department shall be exempt from payment of all related costs, fees and taxes to the National Government Agencies, including the Bureau of Internal Revenue (BIR), Land Registration Authority (LRA) Registry of Deeds (RD), DENR- Land Management Bureau and Local Government Units, and other government involved in the registration and titling of school sites as provided herein. Provided, further, that the Department shall enjoy all the rights, exemptions and privileges, as may be authorized by law, in all its official transactions with National Government Agencies and Local Government Units involving titling and registration of its current school sites.

SECTION 15. *Ecological and Environmental Concerns.* - In cases involving the acquisition of private real property used as public school site, the Department shall take into account and consider environmental laws, land use ordinances and all pertinent provisions of Republic Act No. 7160, as amended, otherwise known as the Local Government Code of 1991.

SECTION 16. *Appropriations.* - Funds necessary for the implementation of this Act shall be included in the annual appropriations for the Department of Education under the General Appropriations Act.

SECTION 17. *Implementing Rules and Regulations.* - The Department of Justice (DOJ), the Department of Education (DepEd), the Commission on Higher Education (CHED) Technical Education and Skills Development Authority (TESDA), Department of Environment and Natural Resources (DENR), Department of Finance (DOF) and the Department of Interior and Local Government (DILG) shall jointly promulgate the implementing rules and regulations within sixty (60) days from the effectivity of this Act.

117 **SECTION 18. *Separability Clause.*** - If any part or provision of this Act is
118 held unconstitutional or invalid, the other parts or provisions hereof which
119 are not affected thereby, shall continue to be in full force and effect.

120 **SECTION 19. *Repealing Clause.*** -All laws, decrees, rules and regulations
121 or other issuance or parts thereof inconsistent with the provisions of this
122 Act are hereby repealed, amended or modified accordingly.

123 **SECTION 20. *Effectivity.*** - This Act shall take effect fifteen (15) days
124 following its publication in at least two (2) newspapers of general
125 circulation.

126 *Approved,*